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July 17, 2024

Hon. Denise L. Cote  
United States District Judge, S.D.N.Y.  
500 Pearl Street, Room 1910  
New York, New York 10007

**Re: *Avalon Holdings Corp. v. Gentile, et al.*, 18-cv-7291 (DLC) (RWL)**  
***New Concept Energy, Inc. v. Gentile, et al.*, 18-cv-8896 (DLC) (RWL)**

Your Honor:

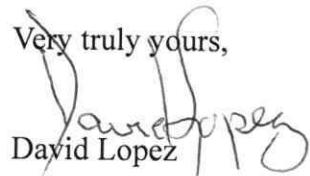
I am one of plaintiffs' counsel in these related cases and I write in response to the letter of Thomas J. Fleming, Esq., one of the defendants' counsel, to Your Honor of this date.

Plaintiffs respectfully oppose Mr. Fleming's request to be excused from attending at the return of the two identical motions to compel compliance by Mr. Gentile with outstanding subpoenas *duces tecum* and *ad testificandum*, scheduled for July 23, 2024, at 11:00 A.M.

This court has unquestioned personal jurisdiction over Mr. Gentile and Mr. Fleming is unquestioned attorney of record for him.

The scheduled hearing, I respectfully suggest, will, assist Your Honor in fashioning remedies intended to compel Mr. Gentile to cease treating this court with contempt. Our inquiries directed to locating assets which can be executed upon suggest the Mr. Gentile has used the delays he has caused as a strategy in this case to liquidate his assets wholesale, to remove the proceeds of his liquidations from the United States and to remove himself from the territory of the United States. He has fled the jurisdiction and Mr. Fleming is trying to stand clear.

Mr. Fleming can inform Your Honor in open court of the accuracy of what I believe to be the case, answer any question Your Honor may pose and provide Your Honor with a record basis on which to fashion appropriate remedies. He can also accept that as attorney of record he has continuing obligations to the court and to opposing counsel until he is relieved.

Very truly yours,  
  
David Lopez

Cc: All Attorneys Of Record Via ECF